

## **5. Waste Storage, Treatment and Disposal**

Waste treatment, storage and/or disposal facilities or uses (TSD), including all contiguous land in the same ownership and including structures, appurtenances and improvements on the land used for treating, storing and/or disposing of waste, shall comply with the following requirements. The "same ownership" means the contiguous land and/or facilities are owned or controlled by persons and/or entities with 50 percent or more ownership and/or control of the land in question.

### **a. Federal and State Laws and Regulations**

Such uses shall demonstrate compliance with all applicable Federal and State waste and waste management laws and regulations, including but not limited to:

- (1) National Environmental Policy Act (NEPA) review, or the Federal Land Management Policy Act (FLMPA);
- (2) Utah Department of Health Resource Conservation and Recovery Act (RCRA) and the analogous federal RCRA, review;
- (3) Utah Administrative Code (UAC) R315-301 through 320 Solid Waste Permitting and Management Rules;
- (4) Federal toxic Substance Control Act (TSCA);
- (5) Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the SARA amendments thereto;
- (6) Low Level Radioactive Waste Policy Act (P.L. 96-573);
- (7) Federal legislation and regulations applicable to mill tailings;
- (8) Wastes classified as "hazardous wastes" under either Section 26-14-2(6) of the Utah Solid and Hazardous Waste Act or federal laws and regulations; and
- (9) The federal Clean Water Act.
- (10) The laws and regulations referred to in the definition of "waste."

### **b. Location**

Sites selection for such facilities and uses shall consider the following guidelines:

- (1) Regulatory wetlands, aquifer recharge zones and 100-year floodplains shall be avoided to the extent practicable, as determined by the County Council.
- (2) Impacts on the protected waters of the State and/or the United States, pursuant to the Clean Water Act or otherwise, and specifically:
  - a) Distance from waters of the State and the United States so that an unintentional release or discharge of waste will not contaminate such waters;
  - b) Hydrological characteristics of the site and surrounding land, i.e., soil type, groundwater table (aquifers), geology, topography, etc.;
  - c) Quantity, quality, and direction of flow of groundwater;
  - d) Proximity to and withdrawal rates from nearby wells as determined through consultation with public water suppliers and State Engineer's office;
  - e) Availability of alternative water supplies; and
  - f) Type and permeability of soils and depth to bedrock.
- (3) Exceptions to the provisions of the preceding Location, may be granted by Grand County on a case-by-case basis, based on the evidence presented by the applicant; if the evidence is technical or voluminous, or if the County staff does not have the time or resources to fully evaluate the request, the applicant shall pay for the County's costs incurred in obtaining such third-party expertise as the County reasonably deems necessary. Such exceptions may be approved based on a consideration of the following:
  - a) Protection of public health and the environment;
  - b) Type of waste activity, i.e., transportation, treatment, storage or disposal;
  - c) Types and volumes of wastes to be managed, and the risks to persons and/or property, as determined by the County; and
  - d) Other information that may be submitted to or required by the County.

### **c. Location**

- (1) Such facilities and uses shall be located to avoid watershed management areas and agricultural lands that are available for crop production.
- (2) The location of such facilities and uses shall comply with state and federal wildlife regulations.
- (3) Historical significance of the location and aesthetics, including visual and noise level aspects, shall be considered. Areas which the County determines to have County,

state, regional or national significance due to their recreational, historical, educational, or aesthetic value or importance as a natural resource or value to the economy shall be avoided.

(4) Such facilities and uses shall not be established, constructed or operated on an active geologic fault line or within a recognized zone of deformation along such fault.

(5) The economic and environmental impact of the proposed facilities and uses upon local governments and the public shall be considered.

(6) Compatibility with existing and proposed land uses that are or will be adjacent to, in the general area, as determined by the County, of the site or that reasonably could be affected by such facilities and/or uses. Waste facilities and uses shall not be located closer than one (1) mile from any dwelling or residential subdivision/development.

**d. Exceptions**

(1) Publicly owned treatment works (POTWs) are exempt from the requirements of this subsection.

(2) The Moab Landfill owned by the City of Moab and Grand County, and the Klondike Landfill, owned by the Solid Waste District, are exempt from these regulations.